UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

KENNETH ANTHONY COLLINS,)	
Plaintiff,)))	Case No. 2:21-cv-88
v.)	T 1 1 1 1 1 1
SULLIVAN COUNTY, TENNESSEE, et)	Judge Atchley
al.,)	Magistrate Judge Wyrick
Definitions)	
Defendant.		

ORDER

On August 18, 2021, United States Magistrate Judge Cynthia Wyrick filed a Report and Recommendation [Doc. 3] pursuant to 28 U.S.C. § 636 and the standing orders of this Court. Magistrate Judge Wyrick recommends that (1) Plaintiff's claims against Officers Peters and Palekakis in their individual capacities be permitted to proceed beyond the PLRA screening stage and that process be issued as to those claims; (2) Plaintiff's claims against Sullivan County and Officers Peters and Palekakis in their official capacities be dismissed as Plaintiff has failed to set forth facts sufficient to state a claim on which relief may be granted; and (3) Plaintiff be required to file an amended complaint before process is issued wherein Plaintiff asserts only those claims permitted to proceed beyond the PLRA screening stage and requesting only such relief as this Court has the authority to grant. [Doc. 3 at 12]. The parties have not filed any objections to the Report and Recommendation and the time to do so has passed. Nevertheless, the Court has

¹ Magistrate Judge Wyrick advised that the parties had fourteen (14) days in which to object to the Report and Recommendation and that failure to file objections within the time specified would waive any right to appeal. [Doc. 3 at 12, n.4]; see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").

reviewed the Report and Recommendation, as well as the record in this case, and agrees with

Magistrate Judge Wyrick's well-reasoned conclusions.

Accordingly, the Court ACCEPTS and ADOPTS the findings of fact and conclusions of

law set forth in the Report and Recommendation [Doc. 3]. It is hereby **ORDERED**:

1. Plaintiff's claims against Sullivan County and Officers Peters and Palekakis in their

official capacities are **DISMISSED**;

2. Plaintiff's claims against Officers Peters and Palekakis in their individual capacities

may PROCEED beyond the PLRA screening stage;

3. Plaintiff SHALL FILE an amended complaint on or before October 26, 2021

asserting only those claims permitted to proceed beyond the PLRA screen stage and

requesting only such relief as this Court has the authority to grant; and

4. Process SHALL BE ISSUED as to Plaintiff's remaining claims after an amended

complaint is filed in accordance with this Order.

SO ORDERED.

/s/ Charles E. Atchley Jr.

CHARLES E. ATCHLEY JR.

UNITED STATES DISTRICT JUDGE